

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

L.H., *a Minor Student, et al.*, )  
Plaintiffs, ) Case No.1:14-CV-00126  
v. ) Judge Curtis L. Collier  
HAMILTON COUNTY DEPARTMENT ) Magistrate Judge Susan K. Lee  
OF EDUCATION, *et al.*, )  
Defendants. )

**ORDER**

Before the Court is a motion for partial summary judgment filed by Defendant Hamilton County Department of Education. (Docs. 69, 70.) Plaintiffs L.H., a minor child with Down Syndrome, and his parents, G.H. and D.H., have responded (Doc. 85) and Defendant has replied (Doc. 87). For the reasons expressed in the accompanying memorandum, the Court **GRANTS IN PART** Defendant's motion (Doc. 69). Plaintiffs' claims alleging procedural violations of the Individuals with Disabilities Education Act based on predetermination are hereby **DISMISSED**. The remainder of Defendant's motion is **HELD IN ABEYANCE**.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**